

ARTICLE III

RULES OF CONDUCT

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The purpose of this Article is to give guidance and direction to the members of the West Lafayette Police Department regarding the Rules, Regulations and Information promulgated by the City of West Lafayette Police Merit Commission. These Rules and Regulations are intended to establish a pattern of operation which will lead to the highest efficiency of this Department, for greater public service to the City; and at the same time provide guidance and protection to the sworn officers of the Department.

A. Definition of Terms. These definitions shall apply throughout each Article of these Rules and Regulations.

(1) Chief. The Chief of Police, as appointed by the Mayor of the City of West Lafayette, Indiana or anyone who acts as the designee of the Chief.

(2) Commanding Officer. A superior officer in charge of a division during a tour of duty. The Chief is the commanding officer of the entire Department.

(3) Superior Officer. A member having supervision, either temporarily or permanently, over members of a lower rank.

(4) Ranking Officer. A commanding officer, a superior officer, or the member on the scene at the time whose permanent appointment to the Department was prior to that of any other member present at the time. The Chief may delegate responsibility for command of a detail or situation to an officer regardless of the member's rank or tenure status. In that event, said member shall be the ranking officer.

(5) Member. An officer of the Department regardless of rank, gender, division, or duty.

(6) Manual. A copy of the Rules and Regulations as promulgated by the Commission, which copy may be in print or various electronic formats. [new 02.14.2011]

(7) On Duty. That period during which a member is actively engaged in the performance of the member's duties whether on a regular tour of duty or during an emergency.

(8) Off Duty. That period during which a member is free from specified routine duty.

(9) Special Duty. That period during which the member is assigned to perform duties which are not regular routine duties.

- (10) Order. Any instruction given by a ranking officer to a subordinate either written or oral.
 - (11) General Order. A permanent instruction issued by the Chief, generally relating to a general circumstance or situation.
 - (12) Special Order. A written statement designed to give general departmental guidelines in regard to specific areas, issued by the Chief or Deputy Chief.
 - (13) Departmental Procedure. A general order, policy statement or special order, issued by the Chief.
 - (14) Truth Verification System. A polygraph machine or equivalent which is used to seek the truth from someone being administered the test.
- B. Gender. This document is intended to be gender neutral, however, any reference throughout Articles I through VI of these Rules and Regulations to the masculine gender shall be deemed to include the feminine and neuter genders unless the context otherwise requires.
- C. Role of the Chief of Police.
- (1) Duties. The Chief shall be the commanding officer of the entire Department, subject to the laws of the United States, the State of Indiana, the Ordinances of the City of West Lafayette and the Rules and Regulations of the City of West Lafayette Police Merit Commission. The Chief shall devote his or her whole time and energy exclusively to the discharge of the duties of the Chief. The Chief shall see that all laws of the State, Ordinances of the City, and Rules and Regulations of the Commission are enforced and followed, in so far as it is possible, by the members under his or her command, and that all offending members are reported to the proper tribunals for discipline. The Chief may designate another member to act on his or her behalf.
 - (2) Powers. The Chief shall have the power to promulgate such orders to the members as may be deemed proper. It shall be the duty of all members to render to the Chief, and to orders, implicit obedience in conformity to the laws and ordinances and to such rules and regulations as the Commission may adopt from time to time.
 - (3) Custody of Property. The Chief shall have custody and control of all books, records, machines, tools, implements, apparatus or equipment of any kind necessary for use in the and of all public property pertaining to, connected with and belonging to the City.

(4) Reports. The Chief shall cause to be made to the Commission such reports as it may require from time to time.

D. Duties of Members. Members should understand that these rules and regulations are not expected to cover each specific case which may arise in the discharge of their duties, but that some things must necessarily be left to the intelligence, discretion, good judgment and good sense of the individual member.

(1) Access to Manual. Each member shall have access to the Manual and shall keep up to date at all times regarding changes to any rule or regulation as communicated to them by their superiors. [revised 02.14.2011]

(2) Familiarity with Rules. Each member shall study the contents of the police manual and shall familiarize himself with all rules and regulations governing the Department. He shall also familiarize himself with the laws of the State and the ordinances of the City.

(3) Violation of Rules. Strict obedience to these rules shall be required. Members shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in these rules and regulations or elsewhere. Violation shall result in discipline under Article IV.

E. Regulations for Members of the Police Department.

(1) Unbecoming Conduct. Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon any member, or that which impairs the operation or efficiency of the Department or its members. Members shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute, including but not limited to:

- a) use of profane language in public;
- b) loss of temper and self-control;
- c) discourteous treatment of a citizen or fellow law enforcement officer;
- d) loud, boisterous, vulgar, indecorous, clownish or obtrusive behavior in public;
- e) repeating rumors or falsehoods concerning a fellow officer, or holding a fellow officer up to ridicule;

- f) knowingly submitting a false report to the Department;
 - g) knowingly withholding information from the Department, the prosecuting attorney, or any court in which the officer is a witness;
 - h) be guilty of any violation of criminal and/or traffic laws.
- (2) Reporting for Duty. Members shall report for duty at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.
- (3) Courtesy. Members shall be courteous to each other and to the public. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members shall not use violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sexual orientation, lifestyle or other personal characteristics.
- (4) Identification. Members shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on duty or when holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- (5) Personal Appearance.
- a) Members on duty shall wear uniforms or other clothing in accordance with established departmental procedure.
 - b) Except when acting under proper and specific orders from a superior officer, members on duty shall maintain a neat, well-groomed appearance and shall style their hair according to departmental procedure.
- (6) Conformance to Laws.
- a) Members shall obey all laws of the United States and the laws of any state and local jurisdiction in which the member is present.

b) A conviction for the violation of any law shall be prima facie evidence of a violation of this section.

(7) Insubordination, Neglect or Disobedience of Orders. Members shall promptly obey any lawful orders of a superior or commanding officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

Elements. Neglect or disobedience of orders.

(a) That there was in effect a certain lawful order or regulation;

(b) That the accused had a duty to obey it; and

(c) That the accused violated or failed to obey the order or regulation.

(8) Conflicting or Illegal Orders.

a) Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the conflicting order. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the previously issued order, rule, regulation or directive.

b) Members shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the issuing officer to clarify the order. The member shall report the illegal order to the Chief or Deputy Chief. If the Chief or Deputy Chief issued the illegal order, then the member shall report the illegal order to a member of the Commission.

(9) Dissemination of Information. Members shall treat all official information received in the performance of their duty (whether on duty or off duty) as confidential. Official information shall be disseminated to those for whom it is intended as set forth in departmental procedure. Members may not remove or copy any official records except as provided by departmental procedure. Members may not divulge the identity of persons giving confidential information except as authorized by proper authority.

(10) Possession and Use of Alcohol.

a) Members shall not possess or consume intoxicating liquors of any kind while on duty or in uniform. In the event of a special investigation or undercover work, this rule may be waived by the Chief of Police, to the extent that drinking intoxicating liquor may be permitted, but never to the extent of intoxication in such an assignment. [Amended June 12, 2006]

b) Members shall not appear for duty, or be on duty, while under the influence of intoxicating beverages to any degree whatsoever, or with an odor of intoxicating beverages on their breath or person.

(11) Use of Alcohol While Off Duty. Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, or renders the member unfit to report for their next regular tour of duty.

(12) Alcoholic Beverages and Drugs in Municipal Buildings. Members shall not store or bring into any public facility, building or vehicle, alcoholic beverages, controlled substances, narcotics or hallucinogens except those items that are to be held as evidence.

(13) Possession and Use of Drugs. Members shall not possess or use any controlled substances, narcotics, or hallucinogens except where the member is being treated by a physician or dentist, who has prescribed the drug. If a member is under a physician's care and being treated with any of the above, the member shall immediately notify his commanding officer.

(14) Leaving Duty Post or Absence Without Leave. Members shall not leave their assigned duty post during a tour of duty except when authorized by proper authority.

Elements. Absence without leave.

(a) That a certain authority appointed a certain time and place of duty for the accused;

(b) That the accused knew of that time and place; and

(c) That the accused, without authority, failed to go to the appointed place of duty at the time prescribed, or went from the appointed place of duty after having reported at such place.

(15) Neglect of Duty.

Elements: Neglect of duties

(a) That the accused had certain duties;

(b) That the accused knew or reasonably should have known of the duties; and

(c) That the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties.

Explanation of neglect of duties

(a) Duty. A duty may be imposed by statute, regulation, lawful order, or standard operating procedure.

(b) Knowledge. Actual knowledge of duties may be proved by circumstantial evidence. Actual knowledge need not be shown if the individual reasonably should have known of the duties. This may be demonstrated by regulations, training or operating manuals, or testimony, testimony of persons who have held similar or superior positions, or similar evidence.

(c) Derelict. A person is derelict in the performance of duties when that person willfully or negligently fails to perform that person's duties or when that person performs them in a culpably inefficient manner. "Willfully" means intentionally. It refers to the doing of an act knowingly and purposely, specifically intending the natural and probable consequences of the act. "Negligently" means an act or omission of a person who is under a duty to use due care which exhibits a lack of that degree of care which a reasonably prudent person would have exercised under the same or similar circumstances. "Culpable inefficiency" is inefficiency for which there is no reasonable or just excuse.

(d) Ineptitude. A person is not derelict in the performance of duties if the failure to perform those duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency, and may not be charged under this article, or otherwise punished.

(16) Fictitious Illness or Injury Reports. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City as to the condition of their health.

(17) Sleeping on Duty. Members shall remain awake while on duty. If unable to do so, they shall report to their commanding officer, who shall determine the proper course of action.

(18) Meals. Members shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of taking meals during their tour of duty, but only for such period of time, and at such time and place, as established by departmental procedure.

(19) Unsatisfactory Performance. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the function and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the applications of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade, or position; the failure to take appropriate action on the occasion of crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance:

- a) Repeated poor evaluations;
- b) Written record of repeated infractions of rules, regulations, directives or orders of the Department.

(20) Off Duty Employment.

a) Members may engage in off duty employment subject to the following limitations:

(i) such employment shall not interfere with the member's employment with the Department;

(ii) members shall submit a written request for off-duty employment to the Chief, who shall determine whether the member may engage in off duty employment;

(iii) members shall not engage in any employment or business involving bail bond agencies, any work for private investigative agencies, private guard services, collection agencies or attorneys without the written consent of the Chief.

b) Approval of off duty employment may be denied by the Chief where it appears that:

- (i) the member will be unavailable during an emergency;

(ii) the member will be physically or mentally exhausted to the point that his performance may be affected;

(iii) the member will require special consideration in scheduling of his regular duty hours; or

(iv) the member will bring the Department into disrepute or impair the operation or efficiency of the Department or its members.

(21) Use of Tobacco. Members, when in uniform, may use tobacco as long as:

a) they are not in a formation;

b) they do not have to leave their assignment or post for the sole purpose of doing so;

c) they are not engaged in traffic direction and control; or

d) they are not in an area, public or private, that prohibits smoking.

When they are in direct contact with the public, members must obtain permission to use tobacco from the public with whom they are in direct contact.

(22) Gifts, Gratuities, Bribes or Rewards. Members shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the member or the Department if it may reasonably be inferred that the person, business, or organization

a) seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty;

b) has an interest which may be substantially affected directly or indirectly by the performance of an official duty.

(23) Abuse of Position.

a) Members shall not use their official position, official identification card or badge for

(i) personal or financial gain;

(ii) obtaining privileges not otherwise available to them except in the performance of duty;

(iii) avoiding consequences of illegal acts.

b) Members shall not authorize the use of their name, photograph or official title which identifies them as an officer, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

(24) Endorsements and Referrals. Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional or commercial services (e.g. attorney, ambulance, towing service, bondsman, mortician, etc.). In case of ambulance or towing services, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, members shall proceed in accordance with established departmental procedure.

(25) Citizen Complaints. Members shall courteously and promptly record in writing any complaint made by a citizen against any member or the Department. Members may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from filing a complaint against any member or the Department. Members shall follow established departmental procedure for processing complaints.

(26) Request for Assistance. When any person applies for assistance or advice, or makes a complaint or report, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedure.

(27) Personal Associations. Members shall avoid regular or continuous association or dealings with persons who they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in illegal and criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of personal relationship.

(28) Visiting of Prohibited Establishments. Members shall not knowingly visit, enter or frequent any establishment wherein the laws of the United States, the state or local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

(29) Gambling. Members shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty or while acting under proper or specific orders from a superior officer.

(30) Public Statements and Appearances. Members shall not publicly criticize or ridicule the Department, its policies or other members, by speech, writing or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard.

Members shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondent to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Members may lecture on “police” or other related law enforcement subjects only with the prior approval of the Chief.

(31) Reporting Illness or Injury. In case of illness or injury, members must report the facts to their commanding officer without delay.

(32) Surrender of Property. Members who are dismissed or resign shall immediately surrender to the Chief all equipment owned by the City and the Department.

(33) Accident Reports Affecting the City. Members shall make a complete detailed report of all accidents or personal injuries which may result in a lawsuit against the City.

(34) Police Auction. Members shall not be allowed, directly or indirectly, to purchase goods sold at any auction held by the Department.

(35) Report of Stolen or Damaged Property. Members shall immediately report to their shift commander lost or damaged property owned by the City or the Department.

(36) Labor Activity.

a) Members shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law or directed by the Mayor.

b) Members shall not engage in any strike against the City or Department.

(37) Payment of Debts. Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline, except in the unusual or severe cases. Repeated instances

of financial difficulty may be cause for disciplinary action. Voluntarily filing a petition for bankruptcy relief is not a cause for discipline. Members shall not co-sign or act as surety for any debt of a superior officer.

(38) Telephone Service. Members shall have telephone service and shall immediately report any changes of telephone numbers or addresses to their superior officer or any other person as may be appropriate.

(39) Intervention.

a) Members shall not interfere with cases being handled by other officers or by any other governmental agency, unless:

(i) ordered to intervene by a superior officer; or

(ii) the intervening officer believes, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.

b) Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their commanding officer unless the situation requires immediate police action.

(40) Departmental Reports. Members shall submit all necessary reports on time and in accordance with established departmental procedure. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information, or withhold information from the Prosecuting Attorney or from any court.

(41) Processing Property and Evidence. Property or evidence which has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established departmental procedure. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedure.

(42) Abuse of Process. Members shall not make false accusations of a criminal or traffic charge.

(43) Use of Department Equipment. Members shall utilize the Department's equipment for its intended purpose only, in accordance with established departmental procedure, and shall not abuse, damage or lose Department

equipment. All Department equipment issued to members shall be maintained in proper repair.

(44) Operating Vehicles. Members shall operate official vehicles in a careful and prudent manner with due regard, obeying all laws and all departmental orders pertaining to such operation. Loss or suspension of any driving privileges shall be reported to the member's commanding officer immediately.

(45) Firearms. Members shall carry firearms in accordance with federal, state and local laws and established departmental procedure.

(46) Truthfulness. Upon the order of the Chief or a superior officer, members shall truthfully answer all questions asked of them which are specifically directed and narrowly related to the scope of employment and operation of the Department.

(47) Use of Truth Verification and Medical Examinations, Photographs and Lineups.

a) Upon the order of the Chief, members shall submit to truth verification examinations which are specifically directed and narrowly related to a particular internal investigation being conducted by the Department. Whenever a complaint from a citizen is the basis for the investigation, the matter is noncriminal, and no corroborating information has been discovered, members shall not be required to submit to a truth verification examination unless the citizen also submits to a truth verification examination which is specifically directed and narrowly related to the complaint.

b) Upon the order of the Chief, members shall submit to any medical, ballistic, chemical, photographic, lineup or any other examination or test. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular investigation being conducted by the Department.

(48) Disclosure of Personal Information. Upon the order of the Chief, members shall submit financial or other personal information statements in accordance with departmental procedures. The order for disclosure shall only be given in connection with a complaint in which this information is material to an investigation.

(49) Treatment of Persons in Custody. Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with federal, state and local laws and departmental procedure.

(50) Use of Force. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Force shall be used only in accordance with federal, state or local laws and the Department's "Use of Force" policy.

(51) Use of Weapons. Members shall not use or handle weapons in a careless or imprudent manner. Weapons shall be used only in accordance with federal, state or local laws and departmental procedure.

(52) Arrest, Search and Seizure. Members shall not make any arrest, search or seizure which they know or should know is not in accordance with any federal, state or local law or departmental procedure.

(53) Political Activity.

a) Subject to Section b, members shall be permitted to:

(i) register and vote in any election;

(ii) express opinions as individuals, privately and publicly, on political issues and candidates;

(iii) attend political conventions, rallies, fund raising functions and similar political gatherings;

(iv) sign political petitions as individuals;

(v) make financial contributions to political organizations;

(vi) hold membership in a political party and participate in its functions to the extent consistent with federal, state and local law and with the rules and regulations set forth in this section;

(vii) otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

b) Members are prohibited from:

(i) using their official capacity on the Police Department to influence, interfere with or affect the results of an election;

(ii) serving as paid election officials;

(iii) engaging in any political activity while on duty and/or in uniform;

(iv) posting or delivering any campaign materials in City property;

(v) seeking or accepting campaign funds from subordinates.

c) Pursuant to IC 36-8-3-12, members may:

(i) be candidates for elective office and serve in that office if elected;

(ii) be appointed to any office and serve in that office if appointed;

(iii) as long as they are not in uniform and not on duty, solicit votes and campaign funds and challenge voters for the office for which they are candidates.

(54) Immoral Conduct. Members shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers, or causes the Department to be brought into disrepute.

(55) Examination by Police Physician. Members may be required to submit to an examination by a physician chosen by the Chief when the Chief determines that a member's physical or mental condition may adversely affect the member's ability to perform his duties. The physician shall submit a report to the Chief with his findings regarding the member's physical and mental condition.